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96TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 96-
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PROVIDING FOR THE WILDERNESS DESIGNATION OF CERTAIN LANDS WITHIN THE OCALA NATIONAL FOREST, THE OSCEOLA NATIONAL FOREST, AND THE APALACHICOLA NATIONAL FOREST, AND FOR OTHER PURPOSES

JUNE 30, 1980.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. FOLEY, from the Committee on Agriculture, submitted the following

OCLC 1/9/81

REPORT

together with

#7053695

SEPARATE VIEWS AND DISSENTING VIEWS

[To accompany H.R. 5341]

[Including Congressional Budget Office cost estimate]

The Committee on Agriculture, to whom was referred the bill (H.R. 5341), to provide for the wilderness designation of certain lands within the Ocala National Forest, the Osceola National Forest, and the Apalachicola National Forest, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

On page 10, line 8, of the bill as amended by the House Committee on Interior and Insular Affairs, insert "and the Committee on Agriculture" immediately after "Committee on Interior and Insular Affairs".

On page 15, line 18, of the bill as amended by the House Committee on Interior and Insular Affairs, insert a new sentence as follows: "The details of such negotiation and exchange shall also be submitted to the House Committee on Agriculture at the same time as they are submitted to the foregoing committees.".

On page 15, at the end of line 25, of the bill as amended by the House Committee on Interior and Insular Affairs, insert immediately before the period the following: "or the Department of Agriculture, as applicable".

BRIEF EXPLANATION

H.R. 5341, as reported by the House Committee on Agriculture, is the same bill as reported by the House Committee on Interior and Insular Affairs with minor modifications. It would add 21 areas of the National Forest System, totaling approximately 130,340 acres, to the National Wilderness Preservation System. These areas lie within the States of Missouri, Louisiana, Mississippi, Florida, South Carolina, and North Carolina.

In addition, the bill adjusts the boundaries of the existing Florida Keys Wilderness and contains provisions relating to applications for phosphate leases in the Osceola National Forest of the State of Florida.

PURPOSE AND NEED FOR THE LEGISLATION

Wilderness

H.R. 5341 is the product of the Committee's consideration of the President's RARE II wilderness recommendations in several eastern States. These recommendations were forwarded to Congress on April 16, 1979, and resulted from a nationwide inventory and study of the wilderness values of roadless lands in the National Forest System.

H.R. 5341, as reported by the Committee, would designate 20 new wildernesses and one wilderness addition from the National Forests in the States of Mississippi, Missouri, Florida, Louisiana, and eastern North and South Carolina—totaling approximately 130,000 acres. These are the same as the areas designated in the bill as reported by the Committee on Interior and Insular Affairs.

Nineteen of the areas were recommended by the President for wilderness designation. Of these, 13 are identical to the Administration's proposals and six areas have boundary adjustments. The two additional areas included in H.R. 5341 but not recommended by the Administration are in South Carolina, and include one area allocated to nonwilderness and one area not inventoried in RARE II.

The newly designated areas are described in detail in the testimony of the Forest Service representative reprinted elsewhere in this report. In the few instances in which the bill departs from the Administration's recommendation it was done for the reasons set forth in the report of the Committee on Interior and Insular Affairs which is Part 1 of this report.

In view of its jurisdictional interest in the subject matter, the Committee has amended the bill reported by the House Committee on Interior and Insular Affairs to require filing of maps and legal descriptions of each wilderness area designated from the National Forests with the House Committee on Agriculture as well as with the House Committee on Interior and Insular Affairs and the Senate Energy and Natural Resources Committee.

Florida Keys Wilderness boundary adjustments

Another provision of H.R. 5341 includes a provision to adjust the boundary of the Florida Keys Wilderness to implement a land exchange agreement concluded between the Department of the Interior and the Charles River Breeding Laboratories. The reasons for this

provision are set forth in the report of the Committee on Interior and Insular Affairs which appears as Part 1 of this report.

Osceola National Forests

In addition to the wilderness proposals of the bill, H.R. 5341 resolves a longstanding controversy involving the issuance of phosphate leases in the Osceola National Forest, Florida.

On this issue the Committee has agreed to the provisions in H.R. 5341 as reported by the House Committee on Interior and Insular Affairs. Reprinted below from that report (House Report 96–1088, Part 1, pp. 12–15) is set forth the basis and purpose for the phosphate lease provisions:

> The phosphate issue arose from provisions of the Mineral Leasing Act of 1920 which authorize the Secretary of the Interior to issue exclusive 2-year prospecting permits to qualified applicants where prospecting or exploratory work is necessary to determine the existence or workability of phosphate deposits, and to renew such permits under certain circumstances. If the prospecting permittee discovers "valuable deposits of phosphate" within the permitted area, the law states that the permittee is "entitled" to a lease on all or part of the lands covered by the permit. Pursuant to these provisions the Secretary issued 42 prospecting permits, covering about 144,000 acres of the total 157,000 acres of the Osceola National Forest, between 1965 and 1968. Based on the prospecting work, during the period from July 1969 through May 1972, 41 applications for preference-right phosphate leases, covering about 52,000 acres of the permitted land (or some 33 percent of the entire Osceola National Forest) were filed by four companies. To date, none of these applications has been completely processed and no phosphate leases have been issued. Without legislation, the Committee can foresee the issue dragging on in administrative appeals and in the courts for many years.
>
> In considering possible legislation to resolve the issue, the Committee was mindful of two major points. First, equity would dictate that the lease applicants are entitled to a decision on their lease applications at the earliest possible date. If leases are not to be issued, the applicants should be compensated for such rights as may be vested in them under the provisions of the Mineral Leasing Act (as amended). In short, either the leases should be awarded to the extent mandated by law, or the applicants should be fairly compensated for such rights as they may have. On the other hand, the Committee also realizes that the leasing of approximately one third of the Osceola National Forest for phosphate mining could severely impair the value of the forest for other multiple uses such as recreation, timber production and wilderness. This point of view has been expressed by numerous public officials at all levels of government in Florida, by Members of the Florida Congressional delegation, by the Departments of the Interior and Agriculture, and by the President. Indeed

legislation has been introduced by the 96th Congress and in the two preceding Congresses to ban any phosphate leasing or mining in the Osceola National Forest.

The Committee held hearings on the subject as follows:

94th Congress: Hearing on H.R. 1682 on July 23, 1976: hearings published in Committee Hearings Serial No. 94–67.

95th Congress: Hearing on H.R. 2053 on May 13, 1978 (hearing not published).

96th Congress: Hearing on H.R. 5341 on October 18, 1979 (the record of this hearing has not been published as of the date of this report).

Given the sensitive environmental values of the lands under phosphate lease application, the Committee agreed that no phosphate leases should be issued on the forest at this time, and added a section (section 5) to H.R. 5341 which contains the following major provisions:

Subsection 5(a) prohibits the Department of the Interior from issuing phosphate leases on the Osceola National Forest unless and until Congress determines otherwise. Any future determination to allow leasing would have to be accompanied by a finding that the mining of phosphate deposits in the national forest would be necessary to the national interest of the United States.

Subsection 5(b) gives the Secretary of the Interior 3 years to complete a determination of whether the phosphate lease applicants have made a discovery of "valuable deposits" of phosphate and, if they have, to exchange such rights as may be vested in the lease applicants for leases covering minerals outside the Osceola National Forest. While the bill mandates 3 years for the completion of these two steps, the Committee requests that every effort be made by the Department of the Interior to complete the "valuable deposit" determination in a period of one year or less. The Committee believes most of the information essential for such a determination is already available, and expects that the gathering of such additional information as may be necessary will be assigned a top priority. Completion of this determination at a nearly date will benefit all involved as the exchange or acquisition options of the bill cannot be finalized until the determination is made. However, with respect to any possible exchanges, the Committee would expect that *preliminary* exchange planning and studies would proceed on a track parallel with the "valuable deposit" determination and would not have to await completion of the determination.

"The Committee also notes that subsection (b) does not require the lease applicants to enter into exchange negotiations, and that any exchange will be contingent on the *voluntary* surrender of such phosphate lease rights as may exist. This provision was inserted primarily at the request of the Global Exploration and Development Corporation which the Committee believes is the applicant lease likely to be satisfied

with an exchange arrangement. Thus, if Global and/or any of the other three applicants feel that an exchange will not adequately compensate them for their interests, they will be free to ask the Secretary of the Interior to honor such rights as they possess.

"Subsection (e) provides for cash equalization in the event an exact mineral for mineral exchange cannot be made. The Committee also subjected any exchanges to a 60–day review period by the House Interior and Insular Affairs Committee and the Senate Energy and Natural Resources Committee.

"Subsection (f) provides that designation of the Big Gum Swamp Wilderness will not impair such rights to leases as may be possessed by the phosphate lease applicants.

Subsection 5(g) requires, in the event the Secretary is unable to effect any exchange, or a phosphate lease applicant does not want an exchange, that the Secretary of the Interior acquire any phosphate lease rights vested in the lease applicants within four years of enactment of H.R. 5341. The four year requirement is intended to insure that the phosphate lease applicants will secure a relatively prompt adjudication of their claims and receive appropriate financial compensation at the earliest possible date. Once again, the Committee notes that to achieve this goal, it is imperative that the Department of the Interior give top priority, and make all possible efforts to reach a swift determination on the issue of "valuable deposits."

The Committee has amended the phosphate provisions to require that detailed information regarding any exchanges must be filed with the Committee on Agriculture along with the other Committees upon completion of each negotiation. The Committee has not, however, included any provision providing for a Committee on Agriculture veto. In addition, it has included a provision requiring that any coal leases must comply with the land use planning requirements of the Department of Agriculture to the extent applicable.

SECTION BY SECTION ANALYSIS

Section 1 designates 20 new wilderness areas in six States and one addition to the existing Bradwell Bay Wilderness in Florida.

Section 2 contains standard language of all wilderness bills pertaining to the filing of maps and legal descriptions for the wilderness areas designated by the bill. The Committee amended this provision to require filing with the Committee on Agriculture in addition to the Committee on Interior and Insular Affairs and the Senate Energy and Natural Resources Committee.

Section 3 adjusts the boundaries of the Florida Keys Wilderness within the Great White Heron National Wildlife Refuge, Florida. Subsection (a) designates as wilderness the wildlife refuge lands (approximately 73 acres) on North Cudjoe Key. Subsection (b) deletes from wilderness approximately 25 acres of Raccoon Key. Subsection (c) provides for appropriate filing of maps depicting the boundary changes. Subsection (d) provides for wilderness designation of all

lands on Raccoon Key which may hereafter be acquired by the United States for wildlife refuge purposes.

Section 4 contains standard language of all wilderness bills pertaining to the management of wilderness areas designated by the bill. The National Wilderness Preservation System presently consists of over 190 individual units, located in 41 States, and is administered by 4 different Federal land management agencies. The intent of this standard language is to assure that all wilderness areas are managed by the same Wilderness Act standards, recognizing that each unit is different from all others in location, size, ecology, permitted uses, values, and purposes. Wilderness is a Congressionally designated overlay on an existing unit of federally owned land or water. Designation of a wilderness area supplements, but does not supplant, existing laws under which National Forests, National Wildlife Refuges, National Parks or public lands administered by the Bureau of Land Management are administered.

While agency missions may differ in scope or purpose, as directed by laws governing land management programs, wilderness is a natural ecological condition and management is directed by the Wilderness Act toward preservation of the wilderness character of each area in an untrammeled condition. Thus, while certain uses may be permissible such as, primitive recreational uses, occasional use of vehicles to meet minimum requirements for administration of an area, or previously existing motorboat use, the overriding management principle guiding administration of all wilderness areas is preservation of the wilderness character for public benefit.

Section 5:

Subsection (a) prohibits the issuance of phosphate leases in the Osceola National Forest, Florida, unless and until Congress determines otherwise.

Subsection (b) gives the Secretary of the Interior three years to determine whether "valuable deposits" of phosphate have been discovered on lands in the Osceola National Forest by applicants for preference right leases, and directs exchange (voluntary with the lease applicant) in the event "valuable deposits" have been discovered.

Subsection (c) incorporates standard language on cash equalization in exchanges, and gives the House Interior and Insular Affairs Committee and Senate Energy and Natural Resources Committee a veto over any exchange proposals. Detailed information of each exchange must also be forwarded to the House Committee on Agriculture upon complete of negotiations.

Subsection (d) requires exchanges to be made consistent with section 7 of the Mineral Leasing Act (as amended).

Subsection (e) requires any coal leases issued to be consistent with the land use planning requirements of the Department of the Interior or Department of Agriculture, as applicable.

Subsection (f) provides that the designation of the Big Gum Swamp Wilderness will not alter any phosphate lease rights which may exist.

Subsection (g) directs the Secretary of the Interior to acquire, within four years, by purchase or condemnation any preference rights to phosphate leases on which he does not effect an exchange, and authorizes the payment of just compensation for such rights.

COMMITTEE CONSIDERATION

A. Hearings

The Forests Subcommittee met on June 24, 1980, to receive testimony from the Forest Service on the bill, H.R. 5341 as reported by the Committee on Interior and Insular Affairs. The Associate Deputy Chief for Programs and Legislation of the Forest Service testified in support of the bill. His statement is reprinted below:

STATEMENT OF J. LAMAR BEASLEY, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the committee, I am pleased to have this opportunity to review with you the provisions of H.R. 5341 as reported by the Committee on Interior and Insular Affairs and the relationship of the proposed wilderness designations to the Administration's wilderness recommendations for the National Forests in the States of Mississippi, Missouri, Florida, Louisiana, and eastern North and South Carolina. We are pleased that action is being taken on these wilderness proposals in the East. The proposed legislation strongly supports President Carter's program to add to the Wilderness System areas in the populous eastern United States.

Before I deal with the specifics of the legislation before us, I would like to briefly set the stage with some background information regarding wilderness in the East.

WILDERNESS ALLOCATIONS IN THE EAST

The total land area in the 31 easternmost States is approximately 740 million acres. About 3.1 million acres of Federal land east of the 100th meridian are presently in the National Wilderness Preservation System. These 60 existing wildernesses are shown in the dark blue color on the large United States map before you. You will note there are few large wildernesses. Five areas, the Boundary Waters Canoe area on the Superior National Forest in northern Minnesota, Isle Royale in Lake Superior, Shenandoah National Park in Virginia, Okefenokee National Wildlife Refuge in Georgia, and the Everglades National Park in Florida, represent 85 percent (2.6 million acres) of the wilderness acreage in the East. The remaining 55 areas are located in 25 of the 37 States east of the 100th meridian.

The Forest Service administers 23 wildernesses in the East, totaling approximately 1 million acres. The five National Park Service wildernesses total 1.5 million acres and the 32 wildernesses administered by the Fish and Wildlife Service total 539 thousand acres. (See Chart 1)

RARE II IN THE EAST

Filing of the RARE II final environmental statement on January 4, 1979, climaxed a year and a half of intensive work to assess the values and determine the most appropriate use of over 62 million acres of National Forest System land. To summarize this effort:

Following passage of the Wilderness Act of 1964, which converted 9.1 million acres of Forest Service wilderness and wild areas to "statu-

tory" wilderness, the Forest Service undertook the review of 5.4 million acres of primitive areas as mandated by the act. In 1971, as the primitive area reviews and reports to Congress were nearing completion, the Forest Service initiated a roadless area review and evaluation (RARE) to determine which National Forest System areas—in addition to the Primitive Areas—also should be committed to wilderness study. This original RARE effort focused on the western National Forests; it did not identify a significant number of areas in the eastern National Forest or in the National Grasslands. Through land management planning, the Forest Service began to analyze in detail the potential of each of the areas selected for wilderness study. Early in 1977 it had become apparent that this, piecemeal allocation of roadless areas probably was not the best way to determine their "best" use. At that time the Forest Service went back to the drawing board with a second, improved Roadless Area Review and Evaluation, immediately dubbed RARE II, which was intended to be more decisive and include areas in the eastern United States.

The history and character of the eastern National Forests differ markedly from the larger old growth Forests west of the 100th meridian. The 24 million acres in the East amount to only 13 percent of the total National Forest System. On a map of the continental United States, the western Forests appear as bold blocks of land overlying high mountain ranges, while the eastern Forests seem to be flecks scattered across their half of the Nation.

Unlike the Forests of the West, which were created from large areas of public domain before the turn of the century, the National Forests of the East, for the most part, have been purchased from private landowners over the past 65 years. The unavailability of large tracts of public land in the East often necessitated the piecemeal purchase of land from private owners. This has resulted in a fragmented ownership pattern, creating a patchwork of public and private lands. Many of these lands had been abused, poorly protected, or ignored before being acquired. Today, the same lands have healed and been rejuvenated. These eastern National Forests now provide a bountiful store of a complete range of resource values including wilderness and recreational resources. The increasing and frequently conflicting demands on these lands create a major challenge for management of the eastern Forests and, in part, prompted the second roadless area review and evaluation.

While the land ownership and proximity to metropolitan centers distinguish most eastern Forests from those in the West, the real difference is the limited availability of public land in the East and its importance to the 175 million people who live and work within a day's drive of an eastern National Forest. Recognizing both the physical differences in the nature of the lands and their relationship to other lands and population, we sought to modify our criteria for identifying roadless and undeveloped lands in the East.

We developed criteria for identifying roadless and undeveloped areas based on a specific review of the areas which Congress had included in the National Wilderness Preservation System since the passage of the 1964 act. Using this information, we formulated guidelines that our field people could use in determining if an area should be in-

cluded in the inventory of roadless and developed lands. For example, the guidelines permitted ½ mile of improved road per 1,000 acres, provided the road was under Forest Service jurisdiction, and 20 percent of the area could have been harvested within the past 10 years.

Using these guidelines, 2.3 million acres of roadless and undeveloped lands were inventoried on the National Forests in 23 eastern States. While the majority of the roadless and undeveloped lands are in the West, 23 of the 38 States with RARE II lands are in the East.

RARE II RECOMMENDATIONS IN THE EAST

The President's wilderness recommendations include 73 new wildernesses, and 8 additions to existing wildernesses totaling 567,000 acres of National Forest System lands in 21 eastern States. In 8 of these States, Indiana, Illinois, Louisiana, Michigan, Mississippi, Oklahoma, Pennsylvania, and Texas, the President's recommendation, if enacted, would be the first National Forest wilderness in the State.

These wilderness proposals will more than double the number of wildernesses in the East and will provide additional ecosystem, landform and wildlife habitat representations within the Wilderness System, thereby adding to the diversity of the system. The distribution and accessibility of roadless areas recommended for wilderness will increase the opportunity for a wilderness experience within a day's travel time for over one-half of the Nation's population. If our recommendations are adopted, virtually all of the citizens in the eastern United States would be within a day's drive of a wilderness.

In developing the wilderness recommendations, emphasis was given to adding areas with the highest wilderness attributes, but some such areas were excluded because of their high resource potential. We sought to strike a balance between wilderness and commodity needs. We believe the Administration's RARE II proposals reflect a reasonable balance among wilderness and other values.

H.R. 5341—WILDERNESS DESIGNATIONS

H.R. 5341 as reported by the Committee on Interior and Insular Affairs would designate 20 new wildernesses and one wilderness addition in the states of Mississippi, Missouri, Florida, Louisiana, and eastern North and South Carolina—totaling approximately 130,000 acres.

Nineteen of the areas were recommended by the President for wilderness designation. Of these, 13 are identical to the Administration's proposals and 6 areas have boundary adjustments. The two additional areas included in H.R. 5341 but not recommended by the Administration are in South Carolina, and include one area allocated to nonwilderness and one area not inventoried in RARE II. We have attached a table showing a comparison of the areas in H.R. 5341 and the Administration's proposals. Section 3 of the bill contains a provision to adjust the boundaries of the Florida Keys Wilderness on National Wildlife Refuge System lands administered by the Department of the Interior. We defer to Department of the Interior for a recommendation on this section.

With regard to the National Forest System proposals, we have previously provided the Committee with resource summaries for each proposed wilderness recommended by the President. We will briefly review the proposals for each state included in H.R. 5341.

Mississippi

H.R. 5341 would designate the Black Creek Wilderness of 4,520 acres on the DeSoto National Forest, Mississippi. Black Creek is one of three roadless areas on National Forest System lands in Mississippi which was included in the Roadless Area Review and Evaluation (RARE II). As a result of this review, the President recommended wilderness designation for Black Creek and also for the 940-acre Leaf area.

The Black Creek area includes Black and Beaverdam Creeks which provide varied and unique environmental settings. Black Creek is a wide, meandering stream with broad sandbars. Beaverdam Creek is narrow and winding, often completely shaded by the overhead canopy. The proposed Leaf Wilderness is a mosaic of creeks, sloughs, bluffs, and an oxbow lake. Both areas have a wide variety of hardwood and pine timber types that provide diverse habitat for wildlife species—deer, turkey, squirrels, and a variety of birds and reptiles. These areas are superlative representatives of the Outer Coastal Plain Forest Ecosystem. We strongly support designation of the Black Creek Wilderness and urge that the Leaf Wilderness also be included in the legislation.

Missouri

H.R. 5341 would designate as wilderness four areas on the Mark Twain National Forest in Missouri totaling approximately 27,650 acres. The four areas are among ten roadless and undeveloped areas on National Forest System lands in Missouri that were included in the Roadless Area Review and Evaluation (RARE II) inventory. Three of the areas are congressionally-designated study areas that were evaluated as part of RARE II. As a result of this review, the President recommended wilderness designation for the four areas included in H.R. 5341.

These four areas, located in the heart of the scenic Ozarks of southern Missouri, would be invaluable additions to the Nation's Wilderness System. The proposed Bell Mountain Wilderness and Rockpile Mountain Wilderness, both congressionally-mandated wilderness study areas, are part of the St. Frances Mountains. They represent a visual kaleidoscope with broad green glades, steep gorges with pure springfed streams, long talus slopes, and numerous rock formations. Evidence of the area's cultural history abounds as does a variety of wildlife.

The acreage of the Administration's wilderness proposals vary slightly from these contained in H.R. 5341. The Administration recommended a 7,300-acre Bell Mountain Wilderness which excludes 300 acres of private lands and approximately 1,000 acres because of outstanding mineral rights and a powerline. We continue to urge adoption of the 7,300-acre proposal, rather than 8,530 acres.

The Administration's recommendation for a 3,920-acre Rockpile Mountain Wilderness is identical to that contained in H.R. 5341. This

mountain takes its name from a circle of rocks piled on top of the mountain by early man.

The Administration's proposals for Piney Creek Wilderness and Devil's Backbone Wilderness are identical to the areas proposed in H.R. 5341. The proposed 6,800-acre Devil's Backbone Wilderness is an area of heavy forest cover, limestone glades, and wild azaleas. Secondary attractions are the many springs which feed the beautiful North Fork River. Wildlife is abundant and diverse, including white-tailed deer, wild turkey, both great blue and green heron, and numerous songbirds. The proposed 8,400-acre Piney Creek Wilderness also is a congressionally-mandated wilderness study area. The proposed wilderness includes the entire Piney Creek watershed with its narrow ridge tops and deep canyons. The variety of vegetation and wildlife in Piney Creek is exaggerated because of the convergence of many ecosystems, many of which contain species at the limit of their natural ranges such as the roadrunner and bald eagle.

We recommend an amendment which would release the three congressionally-mandated wilderness study areas from the provisions of section 3 of the Act of October 19, 1976, directing that these areas be studied for wilderness suitability. We have provided the Committee staff with appropriate language on this issue.

Florida

H.R. 5341 would designate six new wildernesses on the National Forests in Florida totaling 48,719 acres and add 1,170 acres to one existing wilderness.

All seven areas are roadless or undeveloped areas on National Forest System lands in Florida that were included in the Roadless Area Review and Evaluation (RARE II). As a result of this review, the President recommended wilderness designation for all the areas. We will briefly describe each area and highlight significant features and any differences between the bill and the President's recommendations.

The proposed 1,170-acre Sopchoppy River addition to the Bradwell Bay Wilderness includes the narrow serpentine channel of the Sopchoppy River that tunnels its way through swamps, and pine-palmetto flatwoods. This is a wilderness study area designated in the Act of January 3, 1975. The President's recommendation for this area is identical to the one proposed in H.R. 5341. We recommend that language be included in the bill to release the area from the study provisions of the 1975 Act.

The proposed Mud Swamp—New River Wilderness contained in H.R. 5341 includes approximately 8,200 acres of land recommended by the President. This area consists of extensive swamp and low land forests providing habitat for a variety of wildlife including alligator and Florida panther. The bill also contains an area north of the main body of the proposed wilderness along the New River. The Administration does not recommend this area because it would be difficult to manage from the main part of the wilderness by an existing bridge and improved road.

The Juniper Prairie Wilderness proposal in H.R. 5341 encompasses 13,550 acres. It is similar to the President's recommendation with the exception of 50 acres at the eastern edge of this area that is excluded

to provide for the continued use of Sweetwater Cabin. We agree with this exclusion.

H.R. 5341 proposes a 3,120 acre Billies Bay Wilderness that is the same as the Administration's recommendation. The major attraction of the area is the abundant wildlife.

Immediately to the south and east, separated by a paved State highway and campground development, is the Administration's proposed Alexander Springs Wilderness of about 11,900 acres. This subtropical area contains the creek originating at Alexandar Springs, a major spring with a flow of 76 million gallons per day. H.R. 5341 excludes an area previously included in the President's recommendation which contained summer homes located on National Forest land. We have no objection to this exclusion.

H.R. 5341 would designate a Little Lake George Wilderness that encompasses 2,500 acres. We recommend a 3,040-acre Little Lake George Wilderness. The area excluded from our recommendation includes approximately 500 acres on the northern part of the area where there is occasional motorboat use on the streams traversing the area and a woods trail used for access by hunters.

The proposed 13,600-acre Big Gum Swamp Wilderness on the Osceola National Forest is a single large continuous cypress gum swamp that would be an outstanding addition to the Wilderness System. The President's recommendation and H.R. 5341 propose identical areas.

Eastern North Carolina

H.R. 5341 includes four areas totaling 25,860 acres located in eastern North Carolina on the Croatan National Forest. They are the proposed Pocosin, Sheep Ridge, Catfish Lake South and Pond Pine Wilderness. In each case H.R. 5341 and the President's recommendation are identical. The areas are entirely within the Atlantic Coastal Plains, and located within 25 miles of the Atlantic Ocean. These areas are excellent representatives of the low and high Pocosin ecosystem and would be valuable additions to the Nation's wilderness system. The Pocosin ecosystem is characterized by dense, almost impenetrable, vegetation growing in soils which have a high water table with water standing on the surface during much of the year.

These proposals meet the wilderness needs of the geographic areas with impressive quality, a minimum of other resource conflicts and little controversy. The areas would be valuable additions to the National Wilderness Preservation System.

Eastern South Carolina

H.R. 5341 would designate as wilderness four areas on the Francis Marion National Forest, totaling approximately 13,720 acres. The President recommended wilderness for two areas, Wambaw Swamp and Little Wambaw Swamp containing 9,380 acres. We support both of these proposals as contained in H.R. 5341 with minor boundary adjustments shown on the Little Wambaw Swamp map before you. The boundaries proposed by the Administration for Little Wambaw Swamp were refined to exclude a narrow finger to the northeast which shows as swamp on some maps but actually is predominately upland pine, rather than swamp ecosystem. We also recommend that lan-

guage be included in the bill to release the area from the study provisions of the 1975 act.

The Wambaw Creek Wilderness proposal in H.R. 5341 was not a RARE II inventoried area. It consists of a long, narrow corridor approximately 8 miles long and averaging ½ mile wide along Wambaw Creek. The area was not included in the RARE II inventory because of its long, narrow configuration. The area includes a substantial number of wildlife habitat improvements which are maintained cooperatively with the State of South Carolina.

The Land Management Plan and Final Environmental Statement on the Francis Marion National Forest recognizes that there are unique values for Wambaw Creek and, accordingly, constrains timber management activities. That plan designates Wambaw Creek as a special interest area with the following management direction:

> To prohibit all timber management activities for a distance of 300 feet on each side of the creek bank from the Santa River to the old tramway (FS–218), a distance of 11.25 miles. The remainder of the hardwood-type adjacent to the 300-foot zone is in the Special Management Working Group. No regeneration cuts are scheduled this planning period. Special prescriptions will be required for any other activity in the Special Management Working Group.

We believe that the management direction contained in the recent Land Management Plan is sufficient to protect the unique qualities of the area, and the area should not be designated as wilderness.

The Hell Hole Bay Wilderness proposal contained in H.R. 5341 consists of a part RARE II area L8110 which we have allocated to nonwilderness uses. The boundaries of the RARE II area have been modified to exclude the high-value southern pine sawtimber and two timber sales planned this fiscal year. This 1980 acre wilderness proposal includes the open savanna called Hell Hole Bay.

Two other proposed wildernesses are in closed proximity to Hell Hole Bay. We oppose designation of Hell Hole Bay as wilderness because of the close proximity of other proposed wildernesses.

Louisiana

H.R. 5341 would designate an 8,700-acre Kisatchie Hills Wilderness. The area is characterized by rocky hills covered with stands of longleaf pine, youpon, and wax myrtle. The scenic attractions of the area are relatively step slopes. rock outcrops. and mesas. Topographic changes in the area which vary from 120 feet to 320 feet are unique for the State of Louisiana. The proposal is identical to the President's recommendation.

H.R. 5341—PHOSPHATE LEASES

Section 5 of H.R. 5341 contains a provision which would generally prohibit phosphate leasing in the Osceola National Forest and would direct the Secreary of the Interior, within three years of the date of enactment of the bill, to exchange phosphate preference right lease applications on which discoveries of valuable deposits have been made for leases covering other minerals subject to the Mineral Leasing Act without competitive building. Exchanges would be on an equal value

basis, subject to equalization by the payment to either party of up to 25 percent of the value of the leases to be issued by the Secretary. If the Secretary is unable to effect an exchange covering any phosphate lease application covered by the bill, section 5(g) requires him, within four years of the date of enactment, to acquire the rights to the lease by purchase or condemnation.

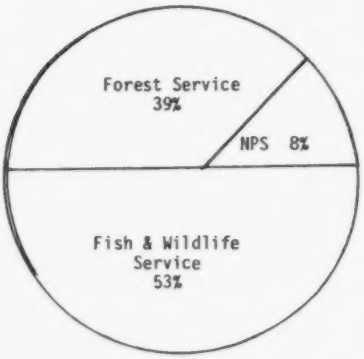
We defer to the Department of the Interior regarding the details of the section 5 provisions. While we note that Secretary of the Interior Cecil D. Andrus' letter to Chairman Udall on May 28, 1980, outlined his Department's views regarding the proposed section 5, the Administration has not had the opportunity to fully review this proposal with the Department of the Interior or other concerned Departments.

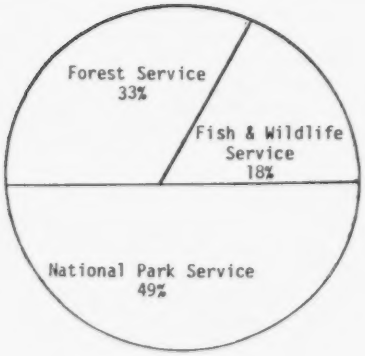
CHART 1

DESIGNATED WILDERNESS
East of the 100th Meridian as of
December 1, 1979

NUMBER OF AREAS

Forest Service	23
Fish & Wildlife Service	32
National Park Service	5
TOTAL	60





ACREAGE	Thousand Acres
Forest Service	1,036.4
Fish & Wildlife Service	538.5
National Park Service	1,520.3
TOTAL	3,095.2

Therefore, the Administration is not in a position to support the provisions of section 5 at this time. We urge the Committee to defer action on the provisions of section 5 as reported by the House Interior Committee until the Administration has an opportunity to evaluate the section 5 provisions.

Mr. Chairman, this completes my statement. I would be happy to respond to your questions.

SUMMARY OF WILDERNESS PROPOSED IN H.R. 5341

[As reported by House Interior Committee, May 14, 1980]

State: Area name	Acres	Acres in administration proposal
Mississippi: Black Creek	4,520	4,520
Missouri:		
Bell Mountain	8,530	7,300
Rockpile Mountain	3,920	3,920
Piney Creek	8,400	8,400
Devil's Backbone	6,800	6,800
Total	27,650	26,420
Florida:		
Bradwell Bay addition	1,170	1,170
Mud Swamp/New River	8,250	8,200
Juniper Prairie	13,550	13,600
Billies Bay	3,120	3,120
Alexander Springs	7,700	11,900
Little Lake George	2,500	3,040
Big Gum Swamp	13,600	13,600
Total	49,890	54,630
North Carolina:		
Pocosin	11,000	11,000
Sheep Ridge	5,400	5,400
Catfish Lake South	7,600	7,600
Pond Pine	1,860	1,860
Total	25,860	25,860
South Carolina:		
Wambaw Swamp	5,100	5,100
Hell Hole Bay	1,980	(1)
Little Wambaw Swamp	5,000	4,280
Little Wambaw Creek	1,640	(2)
Total	13,720	9,380
Louisiana: Kisatchie Hills	8,700	8,700
Total	130,340	

[1] Northwest area.
[2] Not inventoried.

B. Subcommittee Markup

Immediately after conclusion of the hearings on the bill on June 24, the Forests Subcommittee considered the bill for markup and ordered the bill reported to the full Committee with the recommendation that it do pass. The action was taken by a voice vote.

C. Full Committee Markup

The full Committee met on June 27 for markup. Mr. Weaver offered an amendment to require that maps of each wilderness area designated from the various national forests covered by the bill must be

filed with the Committee on Agriculture as well as with the Committee on Interior and Insular Affairs. The amendment also provided that details regarding exchanges of mineral leases likewise be filed with the Committee on Agriculture, and that any Federal coal leases that might be issued under section 5 of the Act must be consistent with the land use planning requirements of the Department of Agriculture, if applicable.

The amendments were agreed to by unanimous voice vote, and the bill was ordered reported in the presence of a quorum by a roll call vote of 30 to 1 with the recommendation that it do pass.

ADMINISTRATION POSITION

At the time of filing of this report, the Committee had not received a Departmental report from the U.S. Department of Agriculture on H.R. 5341, as amended. During the hearings a representative of the Forest Service testified generally in support of the legislation and that statement is included in the Committee Consideration section of this report.

CURRENT AND FIVE SUBSEQUENT FISCAL YEAR COST ESTIMATE

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee submits the following cost estimate. The Committee believes that only nominal costs will be incurred under the bill, H.R. 5341, as amended. As stated by the Congressional Budget Office cost estimate which appears later in this report, no timber receipts to the Federal Government are expected to be lost as a result of the wildernes designations provided in the bill since the forest lands affected by the designations have been held in the deferred category during the Forest Service RARE II process. With respect to the phosphate leases, if an exchange takes place a small cost or receipts may be realized to equalize the value of the leases exchanged. If no exchange is possible, although the Secretary may purchase the rights to the affected lease, no purchase of significant value is anticipated at the present time.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 5341, as amended, will have no inflationary impact on the national economy.

BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

The provisions of clause 2(1)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 (relating to estimates of new budget authority or new or increased tax expenditures) are not considered applicable. The estimate and comparison prepared by the Director of the Congressional Budget Office under clause 2(1)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional

Budget Act of 1974 submitted to the Committee prior to the filing of this report are as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., June 27, 1980.

Hon. THOMAS S. FOLEY,
Chairman, Committee on Agriculture, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 5341, a bill to provide for the wilderness designation of certain lands within the Ocala National Forest, the Osceola National Forest, and the Apalachicola National Forest, and for other purposes, as ordered reported by the House Committee on Agriculture, June 27, 1980.

This bill designates as wilderness approximately 130,000 acres of land in Mississippi, Missouri, Florida, North Carolina, South Carolina, and Louisiana. Since all of the forest lands affected by this designation have been held in a deferred category during the Forest Service's Roadless Area Review, no timber receipts to the Federal Government are expected to be foregone as a result of the wilderness designation. The bill also prohibits the issuance of phosphate leases in the Osceola National Forest, Florida and directs the Secretary of the Interior to arrange for exchange or purchase of outstanding preference right leases in this area. If an exchange takes place and leases of equal value cannot be found for exchange, a small cost or receipt may be realized by the Federal Government to equalize the value of the leases exchanged. Although the Secretary is authorized to purchase the rights to the affected leases if no exchange can be arranged, no purchase is anticipated at this time.

Sincerely,

ALICE M. RIVLIN, *Director.*

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by H.R. 5341, as amended.

No specific oversight activities other than the hearings detailed in this report were conducted by the Committee within the definition of clause 2(b)(1) of Rule X of the Rules of the House of Representatives.

SEPARATE VIEWS OF HONORABLE WILLIAM C. WAMPLER

I am torn between two conflicting concerns relating to this bill.

On one hand, I am committed to giving special consideration and weight to the position of state delegations—and more particularly the position of the Congressmen within those delegations in whose districts the national forests or wilderness designations are located that arise out of the RARE II study and recommendations—as it relates to legislation which would commit certain areas in the national forest system to wilderness. On the other hand, I must express concern for the national interest and national security when a RARE II bill such as H.R. 5341 "locks up" an apparently substantial mining deposit of phosphate in the Osceola National Forest in Florida.

I am informed, and the report accompanying H.R. 5341 as reported by the Committee on Interior on page 5 appears clearly to reflect, that the State delegations—and the Congressmen in whose districts the national forests affected by H.R. 5341 are located—generally favor this legislation.

This appears true of the Osceola National Forest as well, as noted in the Committee on Interior Report (pp. 9–10) where it is stated:

As is discussed later under the "Osceola National Forest" heading of this report, the fate of the Big Gum Swamp area, and the Osceola National Forest in general, has been a matter of controversy for many years. This is due to the fact that the Osceola National Forest, at 157,000 acres, is one of the smallest national forests in the nation and is underlain by deposits of phosphate. Those who wish to open these deposits to mining have applied for phosphate leases covering approximately one-third of the forest (and one-quarter of the proposed wilderness). Mining is strongly opposed by many Floridians (including state government officials) who believe that mining in the forest would be inconsistent with what they believe are more important scenic and recreational values. The Committee generally shares the latter views and believes the proposed wilderness will be a very valuable addition to the National Wilderness Preservation System. Nevertheless, the Committee recognized that valid rights to phosphate leases may exist within the proposed wilderness, and included a section in the bill (section 5) to address the problem.

Turning next to section 5 of the bill relating to the phosphate deposits in the Osceola National Forest that causes me some concern, the issue appears somewhat clouded by lack of information provided the House and seeming conflict on the part of agencies within the Administration.

J. Lamar Beasley, Associate Deputy Chief, Forest Service, U.S. Department of Agriculture, testified before the Subcommittee on Forests of the Committee on Agriculture, on June 24, 1980, with respect to H.R. 5341, and stated in pertinent part as follows:

H.R. 5341—PHOSPHATE LEASES

Section 5 of H.R. 5341 contains a provision which would generally prohibit phosphate leasing in the Osceola National Forest and would direct the Secretary of the Interior, within three years of the date of enactment of the bill, to exchange phosphate preference right lease applications on which discoveries of valuable deposits have been made for leases covering other minerals subject to the Mineral Leasing Act without competitive bidding. Exchanges would be on an equal value basis, subject to equalization by the payment to either party of up to 25 percent of the value of the leases to be issued by the Secretary. If the Secretary is unable to effect an exchange covering any phosphate lease application covered by the bill, section 5(g) requires him, within four years of the date of enactment, to acquire the rights to the lease by purchase or condemnation.

We defer to the Department of the Interior regarding the details of the section 5 provisions. While we note that Secretary of the Interior Cecil D. Andrus' letter to Chairman Udall on May 28, 1980, outlined his Department's views regarding the proposed section 5, the Administration has not had the opportunity to fully review this proposal with the Department of the Interior or other concerned Departments. Therefore, the Administration is not in a position to support the provisions of section 5 at this time. We urge the Committee to defer action on the provisions of section 5 as reported by the House Interior Committee until the Administration has an opportunity to evaluate the section 5 provisions.

At the same time, I recognize that Secretary of Interior Andrus in his letter of May 28, 1980, addressed to Chairman Udall (appearing on Page 17 of the Committee on Interior's report) endorses section 5 of H.R. 5341 as amended by the Committee as follows:

"Our only objection to section 5 concerns the time allotted for the exchanges [of properties]." (Bracketed material supplied.)

I am also mindful of the Interior Committee's position, as noted in H.R. 5341, as amended, section 5(a), which contains some qualifying language on the phosphate deposits:

> SEC. 5. (a) The Department of the Interior shall not issue phosphate leases in the Osceola National Forest, Florida, unless and until the United States by subsequent legislation shall determine that the mining of phosphate deposits in such leases would be necessary to the national interest of the United States.

However, the action of the Committee on Interior in providing for the purchase of "preference right lease applications" or the exchange of those rights for other mineral rights in the West (mainly coal rights I am told) constitutes a "precedent" which I understand may be costly to the taxpayers and inconsistent with prior policy on leasing rights. That the total potential liability of the United States may be extensive finds support even in the Committee on Interior report (page 14):

The Committee also notes that subsection (b) does not require the lease applicants to enter into exchange negotiations, and that any ex-

change will be contingent on the *voluntary* surrender of such phosphate lease rights as may exist. This provision was inserted primarily at the request of the Global Exploration and Development Corporation which the Committee believes is the applicant lease likely to be satisfied with an exchange arrangement. Thus, if Global and/or any of the other three applicants feel that an exchange will not adequately compensate them for their interests, they will be free to ask the Secretary of the Interior to honor such rights as they possess.

The minimum figure is reported to be near $120 million; the highest figure is reported to be over $1 billion.

My concerns about this matter would be substantially reduced if this bill were taken up on the Floor other than on the Suspension Calendar.

Having voiced my concerns about the one provision of the bill, it seems to me that consideration of H.R. 5341 on the Floor, under a rule, whereby it would be possible to offer amendments would be preferred procedure for this bill. Consideration on the Suspension Calendar may permit discussion, but it permits no amendments. I would, therefore, favor "regular order" for House consideration of this bill based on the foregoing.

BILL WAMPLER.

DISSENTING VIEWS OF HON. KEITH G. SEBELIUS

While I have no objections to the wilderness provisions of this bill, I am concerned that Section 5 could contribute to future phosphate shortages, thereby driving agricultural production costs higher. Furthermore, I am concerned with the precedent of "locking up" potentially valuable minerals—not only in the wilderness area designated by the bill but in the entire Osceola National Forest.

I do not know of any studies which have been done to determine what the economic impact will be if the phosphates under lease applications in the Osceola National Forest are withdrawn from development. The decision to issue the phosphate preference right leases in Osceola National Forest has been pending in the Department of Interior since the early 1970s. In spite of the Secretary of Interior's decision to support legislation which would preclude any mineral development in the Osceola National Forest—apparently made without internal analysis of OMB's approval—the Department of Interior is continuing the administrative process of determining whether the preference right lease applicants in Osceola National Forest are entitled to leases. This administrative process will take at least two years to complete, according to the Department.

The total potential liability posed by Section 5 of this bill is unknown. All estimates to date have been made from unverified corporate data. It is my understanding there are a number of ways a dollar figure can be calculated. If the lease rights have to be acquired, I have heard estimates which range from $120 million to well over $1 billion. A firm figure is impossible without such additional information as drill cores to confirm the size and amount of reserves in each lease area.

Finally, the Bureau of Mines forcasts a domestic phosphate shortage for the 1990's.

I had hoped that the Agriculture Committee could take some time to review the implications on domestic fertilizer prices.

With the Department of the Interior in the midst of a review which will take two years, and with the impact on fertilizer prices and the potential cost, at best, unclear, it seemed to me that there was no reason why Section 5 could not be deleted.

KEITH G. SEBELIUS.

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